



## Form Center

City of Missoula

*red*

*3/17/14*

*@ 7:05pm*

*[Signature]*

By signing in or creating an account ([/FormCenter/Police-Department-5-5/Missoula-Hate-Crime-and-Bias-Incident-Re-74-74](#)), some fields will auto-populate with your information and your submitted forms will be saved and accessible to you.

### Missoula Hate Crime and Bias Incident Report

This form is intended to obtain information about and/or to report incidents occurring in our community. Third party or anonymous complaints will be accepted, but please be aware that anonymous complaints can sometimes be difficult to investigate as an investigator may need additional information and the complainant may be the only source available. For this reason, please consider providing contact information when submitting your complaint.

Would you like to remain anonymous?

☐ Yes

☒ No

You are.....

☐ Victim

☐ Witness

☐ Friend

☒ Other

If other, please elaborate:

See attached

First Name:

Kandi

Last Name:

Matthew-Jenkins

Street Address:

(for example,  
435 Ryman St)

[Redacted Address]

City:

Missoula

State:

MT

E-Mail:

[REDACTED]

Phone #:

[REDACTED]

Date of Incident:

December 18, 2013 Missoulain

Time:

Location:

United States

Please describe the incident:

See attached

Victim First Name:

"those...who don't have penises"

Victim Last Name:

Victim Contact Information:

Does the victim want contact from an official?

☐ Yes

☐ No

Do you want contact from an official?

☒ Yes

☐ No

The incident was or appeared to be:  
(select all that apply)

☐ Verbal Assault or Slur

☐ Threat of Outing

☐ Graffiti

☐ Pursuit/Chase

- ☐ Threat of Physical Assault
- ☐ Leafleting
- ☐ Physical Assault
- ☐ Stalking
- ☐ Sexual Harassment
- ☐ Public Indecency
- ☐ Phone Harassment
- ☐ Unwanted Letter/Email
- ☐ Other

**If you selected other, please explain:**

See attached

**You believe the incident was because of:  
(Select all that apply. If none apply, this is not a hate crime)**

- ☒ Gender
- ☐ Creed
- ☐ Religion
- ☐ Ethnicity
- ☐ Disability
- ☐ Race
- ☒ Sexual Orientation
- ☐ National Origin
- ☐ Nationality
- ☐ Age
- ☐ Appearance/Color

**If you selected other, please explain:**

**To your knowledge, was this incident reported to any police agency?**

- ☐ Yes
- ☒ No

**If so, which agency?**

- ☐ Missoula Police
- ☐ Missoula County Sheriff
- ☐ UM Police

**Thank you for taking the time to step up and help us combat hate crimes  
and bias incidents in Missoula.**

Kandi Matthew-Jenkins

Missoula Montana

## Missoula Hate Crime and Bias Complaint

In a December 18th, 2013 column written by Kiela Szpaller, City Councilwoman, Caitlin Copple made a statement printed in that column that exhibited extreme gender bias through use of a definitely prejudicial sexist/gender specific statement showing bias if not distain [hatred] toward a specific 'group' of people..." To wit: "When we hear from opponents that we're just a bunch of privileged white people, **those of us who don't have penises** may have a little bit of a different experience."

By her singling out a certain class of people mainly "those of us who don't have penises", Ms. Copple has blatantly violated Missoula City Code and her oath of office, i.e. "Title 9 (2) "Discrimination," "discriminate" or "discriminatory" means any act, policy, or practice that has the effect of unfavorably subjecting any person to different or separate treatment on the basis of their actual or perceived race, color, national origin, ancestry, religion, creed, sex, age, marital or familial status, physical or mental disability, sexual orientation, gender identity or expression, or because of their association with a person or group of people so identified. Discrimination based on physical or mental disability includes the failure to make reasonable accommodations that are required by an otherwise qualified person who has a physical or mental disability. ..."

Ms. Copple has also violated her oath of office by violating the federal constitution specifically 'gender discrimination', i.e.:

### FOURTEENTH AMENDMENT EQUAL PROTECTION CLAUSE

#### SECTION 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Ms. Copple also violated: **Constitution of Montana -- Article II -- DECLARATION OF RIGHTS**

Section 4. Individual dignity. The dignity of the human being is inviolable. No person shall be denied the equal protection of the laws. Neither the state nor any person, firm, corporation, or institution shall discriminate against any person in the exercise of his civil or political rights on account of race, color, sex, culture, social origin or condition, or political or religious ideas.

Ms. Copple should stand accountable to the people of Missoula for violating our city code.

Statement in Support

Personally, I was very offended at Ms. Copple's remarks considering I am married to a man and am a mother of three young men that Ms. Copple seems to have lumped in with certain men (it can only be men she is speaking about because to date they are the only PEOPLE who have penises) who are homeless, disabled or suffer from addictions which in itself is discrimination against those less fortunate than others and could include women but she only singles out men.

I have since requested that Ms. Copple resign from her city council seat for the aforementioned discriminatory and bias statements and violation of her oath of office to no avail and am now forced to formalize my complaint with the proper authority.

Since Missoula passed the diversity/anti-discrimination code I would think that a city council person would refrain from this kind of statement considering the implications full of gender bias against men, Ms. Copple has violated the essence of the code and I believe the 14<sup>th</sup> Amendment protects against such discrimination as to gender, disability, and sexual orientation as mentioned prior.

Ms. Copple as a public servant, elected and under an oath should show the public that she is neither a privileged white person nor a discriminatory person and apologize to the public.

This complaint is solely based on the fact that a person who breaches their oath of office through discrimination toward a specific class of people should remove themselves from that public office and resume their life among the general citizenry.

Respectfully submitted March 17<sup>th</sup> 2014

  
Kandi Matthew-Jenkins

# Missoulian

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## Missoula City Council adopts tougher downtown panhandling rules



Depending on your point of view, the new downtown ordinance directed at panhandlers and homeless people will either make Missoula a safer place or trample on civil rights.

[Buy Now](#)

Kella Szpallier

(35) Comments

Downtown will be a safer place for shoppers, workers and walkers – that's one point of view on a new regulation.

"I don't like drunks and rowdies harassing people as they try to go downtown," said Missoula City Councilman Ed Childers.

Another take? The ordinance will trample on people's civil rights, including free speech.

"This is an overbroad statute, which prohibits a bunch of

Missoula police to patrol downtown more if council OKs tougher panhandling law



Downtown may see more police patrol  
[Read more](#)

Missoula councilor: Tighten rules on panhandling, other 'bad behavior' downtown

very constitutionally protected behaviors," said Anna Conley, staff lawyer for the ACLU Montana.

After impassioned comments from community members, the Missoula City Council voted 7-3 early Tuesday morning to approve the following changes to its public peace, morals and welfare code:

- A ban on sitting, lying or sleeping in the Downtown Business Improvement District from 6 a.m. to 11 p.m.;
- A prohibition on sitting, sleeping or lying on the sidewalk within 20 feet of a building entrance in the city;
- A prohibition on panhandling or soliciting within 20 feet of a building entrance in the city; and
- A ban against sitting, sleeping, lying or soliciting within 20 feet of the entrance to any footbridge or pedestrian tunnel.

Councilors Jason Wiener, Bob Jaffe and Alex Taft opposed the changes; councilors Cynthia Wolken and Mike O'Herron were absent.

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**Councilwoman Caitlin Copple** sponsored the amendments to the ordinance the council approved in 2009, and she said she is harassed every day as she walks Higgins Avenue.

The debate pit people who fear the new rules are too broad and discriminate against people who can't afford a home against those who want to feel safe downtown and walk around without being hassled; supporters of the change said women in particular fear being in the city center.

"When we hear from opponents that we're just a bunch of privileged white people, those of us who do not have penises may have a little bit of a different experience," said Copple, who works downtown.

Copple also said Councilwoman Wolken, who went home before the vote to care for her newborn, wanted to let people know she had been chased by a drunk person outside the Oxford when she was seven months pregnant. Wolken worried about what might have happened if her partner hadn't been waiting nearby with his car.

"I just am not OK with having our downtown be a scary place for a lot of the people who are working down there, who want to use it, who are visiting our town," Copple said.

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**Opponents, though,** said the ordinance amendments were written to push homeless and poor people out of downtown; as such, the regulations infringed on their right to panhandle or beg, which is protected free speech, and also inflicted "cruel and unusual punishment" upon them because people need places to sit and rest.



Missoula City Council members are considering

amending two 2009 ordinances in order to further curb downtown miscreants' "bad behavior," which... [Read more](#)

Moore to coordinate effort to fight homelessness in Missoula



Missoula's effort to fight homelessness took a step

forward with the appointment of a coordinator to focus its good-will energy. [Read more](#)

Downtown spare change collection nets \$12K for Poverello Center

Nickels and quarters and crumpled dollar bills, along with a hefty matching grant, added up to \$12,549 in real change over the past year. [Read more](#)

Frigid spell, snow push homeless to Poverello Center in record numbers



Jack Council cooks at the Poverello Center for a couple of

different reasons. [Read more](#)

Missoula city, county officials OK homelessness prevention plan



Robert Howe is a military veteran and convicted felon who found himself homeless for a couple of

years, living out of his car and motel rooms ... [Read more](#)

Missoula councilors may reconsider panhandling ordinance



The Missoula City Council may reconsider an

ordinance intended to curb panhandling, given last week's U.S. District Court decision in a lawsuit... [Read more](#)

Missoula mayor, council to reconsider panhandling crackdown

The threat of a civil rights lawsuit has Mayor John Engen pushing the Missoula City Council to reconsider



## Missoula City Council adopts tougher downtown panhandling rules

"These amendments will not make Missoula a safer place. They will simply infringe on the constitutional rights of all Missoulians," said Conley.



its aggressive solicitation and pede... Read more

The ACLU opposed the changes, and Conley said the rules make every form of solicitation illegal, including a little girl playing a violin for cash if she's standing in the wrong place. Conley also said a complete ban on sitting and lying in a city is unconstitutional, and Missoula's ordinance gets "very close to total prohibition."

Plus, she said, the behaviors that people complain about, such as aggressive and violent behavior or using profane or abusive language, are already criminal.

In order for the ordinance to work, police will need to profile people and apply the law in a way that discriminates, said Councilman Jason Wiener. In fact, he said speakers at previous meetings already said law enforcement would have to use their judgment in applying the law and, say, give a pass to a car wash that's raising money for a club.

He also questioned the behavior addressed in the ordinance: "If this is about bad behavior, is sitting on the curb bad behavior? If not, this is not narrowly tailored."

Said Wiener: "I think you are deluding yourself if you claim this is not about homelessness."

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**But Laurie Johnson**, ambassador with the Business Improvement District, said a survey shows most of the people who hang out on the sidewalks downtown do have homes. In a survey, an estimated 60 percent said they had homes; 30 percent would not answer the question; and 10 percent, or two out of 20, said they did not have a home, Johnson said.

People aren't loitering downtown because they have no place else to go, she said; rather, they're downtown because people give them money, and they can easily buy booze.

Then, they create problems for businesses, said Chad Strickland, a Liquid Planet manager who tried to help people outside the coffee shop until they took advantage of him. He has had people doing drugs in the restroom, urinating in the store while waiting for a bathroom, and drugged out on the couches or even going through a drug-induced seizure.

"Missoula as a whole has become tolerant to this type of behavior," Strickland said.

Before the vote, Councilman Childers said he didn't like the ordinance, but he was going to vote for it because the council had to do something, and he didn't like people being harassed. A couple of councilors said the decision was difficult.

Councilwoman Marilyn Marler was one, and while she voted for the ordinance, she had one question for herself and the rest of the public: "Where are those folks going to go?"

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**Tags** Missoula, City Council, Downtown, Panhandling, Homelessness, Ordinance, Civil Rights, Harassment, Soliciting, Business

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# Oath of Office

STATE OF MONTANA )  
COUNTY OF MISSOULA )

"I, Caitlin Cople, do solemnly swear that I will support, protect and defend the Constitution of the United States and the Constitution of the State of Montana, and that I will discharge the duties of my office of City Council, Ward 4 with fidelity. So help me God.

January 2, 2012 - January 4, 2016

Caitlin Cople

Sworn to and subscribed before me this 30<sup>th</sup> day of December, 2011.

Mayor John Engen



201122003 B: 807 P: 830 Pages: 1  
12/30/2011 02:45:51 PM Oath Of Office  
Vickie H Ziser, Missoula County Clerk & Recorder